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# Facts about the Vacation With Pay Law

**Vacation with pay! Everybody's favorite fringe benefit.**

**Vacation with pay is an employee right. The employer has the right of final approval of the time when the annual vacation may be taken.**

**Here are the facts.**

**After one year of service, employees are entitled to at least two weeks' vacation with pay. The vacation pay must be at least four per cent of the total wages for the year for which the vacation is given.**

June, 1980



**Ontario  
Ministry of  
Labour**

**Employment  
Standards  
Branch**

This poster has been prepared for convenience only. For accurate reference, please see the official Employment Standards Act and Regulations.

Total wages include all money received by an employee from the employer, as well as the value of room and board as set out in the Regulations, but does not include:

- a) tips and gratuities;
- b) any money paid to an employee solely at the discretion of the employer and not based on any performance over which the employee has control;
- c) expenses and travel allowances;
- d) money paid on behalf of employees to insurance plan;
- e) previously paid vacation pay.

The employer shall decide when the vacation is given. It may be a two-week period or two periods of one week each. The two weeks' vacation must be given within ten months after the employee has earned it.

An employee who terminates before completing one year of service, must receive at least four per cent of total wages calculated from the first day employed. This must be paid no later than one week after termination.

Money may be deducted from vacation pay only if authorized in writing by the employee, and in accordance with the regulations.

Vacation pay benefits apply to full-time, part-time, and student employees.

No vacation pay is required for

- a) a person training to be a registered nursing assistant;
- b) a person training as a laboratory technologist or radiological technician;
- c) qualified practitioners of: architecture, chiropractic, dentistry, law, medicine, optometry, pharmacy, professional engineering, psychology, public accounting, surveying or veterinary science;
- d) a registered drugless practitioner;
- e) a student training for the professions mentioned above;
- f) a teacher as defined in The Teaching Profession Act;
- g) a person engaged in commercial fishing;
- h) a student working under a work experience program approved by the Ministry of Education or by a community college or university;
- i) a registered real estate salesperson;
- j) Crown employees;
- k) a salesperson receiving commissions who sells away from the employer's establishment;
- l) a person employed on a farm whose employment is directly related to the primary production of eggs, milk, grain, seeds, fruit, vegetables, maple products, honey, tobacco, pigs, cattle, sheep and poultry. Special conditions apply to persons employed in the harvesting of fruit, vegetables and tobacco.

Please place this poster on your company notice board. Additional copies may be obtained by writing to the Employment Standards Branch, Ontario Ministry of Labour, 400 University Avenue, Toronto, Ontario M7A 1V2.





